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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 RODNEY VERNON CULP, et al.,

7 Plaintiffs,

8 v.

9 SOUTH SOUND BANK OF OLYMPIA
WASHINGTON, et al.,

10 Defendants.
11

CASE NO. C11-5865BHS

ORDER DENYING MOTION
FOR A TEMPORARY
RESTRAINING ORDER

12 This matter comes before the Court on Plaintiffs Rodney Vernon Culp, George
13 Leon Vasquez, and JoAnn Vasquez's ("Plaintiffs") motion for a temporary restraining
14 order (Dkt. 2). The Court has reviewed the brief filed in support of the motion and the
15 remainder of the file and hereby denies the motion for the reasons stated herein.

16 On October 19, 2011, Plaintiffs filed a complaint against numerous defendants
17 seeking to set aside a foreclosure. Dkt. 1. The complaint fails to identify the property to
18 be foreclosed or the date of the trustee's sale. The complaint, however, does allege that
19 defendants have participated in acts of war that violate "the Patriot Act, the RICO Act,
20 the Hobbs Act, and other terrorist-prevention and confiscation acts." *Id.* at 5-6.

21 Plaintiffs also filed a motion for a temporary restraining order. Dkt. 2. Plaintiffs
22 declare that they gave defendants notice via Certified U.S. Mail on October 19, 2011. *Id.*
23 at 10. Most of the named defendants have appeared. *See* Dkts. 7-9.


24 The court may issue a preliminary relief where a party establishes (1) a likelihood
25 of success on the merits, that (2) it is likely to suffer irreparable harm in the absence of
26 preliminary relief, that (3) the balance of hardships tips in its favor, and (4) that the public
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1 interest favors an injunction. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127,
2 1137–38 (9th Cir. 2011); *Winter v. Natural Res. Def. Council, Inc.*, 129 S.Ct. 365, 374
3 (2008). A party can also satisfy the first and third elements of the test by raising serious
4 questions going to the merits of its case and a balance of hardships that tips sharply in its
5 favor. *Alliance*, 632 F.3d at 1137–38.

6 In this case, Plaintiffs have failed to meet their burden for numerous reasons, two
7 of which will be briefly addressed. First, the Court is without necessary information to
8 provide adequate relief, such as the property in foreclosure and the trustee’s sale that is to
9 be restrained. Second, it is unlikely that Plaintiffs will succeed on their claims.

10 Therefore, it is hereby **ORDERED** that Plaintiffs’ motion for a temporary
11 restraining order (Dkt. 2) is **DENIED**.

12 DATED this 27th day of October, 2011.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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